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BROOKS KUSHMAN P.C. / LEAR CORPORATION 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,173

Applicant(s)

CHUEY, MARK D.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/06; 3/16/06</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The examiner acknowledges currently amended claims 1, 11–12, 16 and 25–26. The examiner acknowledges amendments to the specification filed on 3/22/06 wherein typographical errors are corrected.

Response to Arguments

Applicant's arguments with respect to claims 1–6, 8–16, 21 and 26 have been considered but are moot in view of the new grounds of rejection provided by new prior art of Obradovich.

Applicant's arguments filed on 3/22/06 have been fully considered and examiner's response is provided as follows:

Regarding applicant's argument (lines 10–18, page 12), Burgess discloses rolling-code type synchronization (col. 4, lines 49–64) schemes which establishes secure handshaking between communication devices. That is, the user keeps transmitting signals until the synchronization is established successfully.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1–6, 8–16, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al. (6,009,355) in view of Brinkmeyer et al. (5,940,007)).

Regarding claims 1, 11–12, 16 and 26, Obradovich teaches a vehicle-based programmable appliance control system (Figs. 1–2, control panel 205) comprising:

a vehicle-based data communication bus and serial data (Fig. 1, serial data associated with phone line 106a) communication bus running throughout at least a portion of a vehicle (Fig. 1, buss 107);

at least one user activation input (Fig. 10, locks via screen 209) connected by a **first** bus interface to the communication bus (Fig. 1, input interfaces 104);

a radio frequency transmitter remotely located from a plural user activation inputs and connected by a **second** bus interface to the communication bus (Fig. 1, communication interface 106, col. 20, lines 43–65, remote disable vehicle)

control logic connected by a **third** bus interface to the communication bus (Fig. 1, control logic 105 to buss 107 via bus interface)

But Obradovich is silent on

upon being assertion the at least one user activation input provides an activation input signal to the communication line for receipt by the control logic;

the control logic receives the activation input signal from the communication line, generates control signals corresponding to the activation

input signal, and provides the control signals to the communication bus for receipt by the transmitter; and

the transmitter receives the control signals from the communication line, generates a radio frequency appliance activation signal in accordance with the control signals, and transmits the application signal for receipt by an appliance.

However, Brinkmeyer teaches, in the art of remote control system, a radio frequency transmitter (Fig. 1, col. 3, line 64+, key fob, 1) transmits control signal to the control logic associated with transceiver control (col. 4, lines 9–39, transceiver 4a), logic generates signals and transmits the gdo signals to the gdo receiver (fig. 1, receiver 2a) for the purpose of providing portable remote control.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Obradovich the features of Brinkmeyer just discussed above because such remote transmission prevents access to garage entry without unnecessarily accessing garage door from inside vehicle, thus increasing communication range.

Regarding claims 2–3, 6 and 8, Obradovich teaches the at least one activation input comprises a plurality of switches, at least one graphical display control, at least one user indicator lamp and the user indicator generates an audible sound (Fig. 2, switches 205 on control panel, light 108i).

Regarding claims 4–5, Obradovich teaches one graphical display control, audible sound (fig. 1, audible sound associated with radio106b, TV 106c).

Regarding claims 9–10, 21, Obradovich in view of Brinkmeyer teaches a memory (Obradovich –memory 115) holding a plurality (Brinkmeyer–Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3) of activation schemes, each activation scheme providing characteristics for generating at least one appliance activation signal, and the control logic operative to receive data from the data port modifying the plurality of activation schemes (Brinkmeyer–Fig. 1, col. 4, lines 40–52, a function 5 key for gdo 2 and house door 3).

Regarding claims 13–15, Brinkmeyer teaches one programming input comprises a fixed code value (Fig. 4A, fixed code associated with a selected learn), a selection of one of a plurality of activation transmission schemes (Fig. 4A, fixed code associated with a selected learn 1–3), and the remotely controlled appliance is responsive to a fixed code activation signal.

Claims 17–20 and 22–23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Brinkmeyer as applied to claim 16 above, and further in view of Suman et al. (5,903,226).

Regarding claims 17–19 and 22–23, Obradovich in view of Brinkmeyer teaches the vehicle–based remote garage door opener of claim 16 wherein the at least one user input device is a plurality of switches (Brinkmeyer–Fig. 1, col.

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4, lines 40–52, a function 5 key for gdo 2 and house door 3) each of which provides an activation input.

But Suman is silent on a fixed code value from the at least one user input device and selection, and one user output device in communication with the vehicle-based bus, and the received changes to the memory.

However, Suman disclose, in the art of coding system, a fixed code value from the at least one user input device and selection (Fig. 4A, code associated with learn1, 2 or 3), and one user output device (col. 15, lines 11–15, failure detection) in communication with the vehicle-based bus, and the received changes to the memory (resetting learn1, 2 or 3 to new transmitter) for the purpose of providing many control features.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Obradovich in view of Brinkmeyer the features of Suman just discussed above because such many control features in the remote devices prevents without unnecessarily carrying many remotes, thus enhancing utility of remote control device.

Regarding claim 20, Brinkmeyer the control logic receive the selection signal in response to at least one test activation signal sent by the transmitter (Fig. 4A, test signal associated with operation position after learn).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Brinkmeyer as applied to claim 1 above, and further in view of Ahn et al. (KA 2002078726).

Regarding claim 7, Obradovich in view of Brinkmeyer is silent on the at least one activation input comprises a voice recognizer.

However, Ahn teaches, in the art of remote control system, the at least one activation input comprises a voice recognizer (detailed description—controlling an operation of home appliances) for the purpose of providing voice command remote control. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the at least one activation input comprises a voice recognizer in the device of Obradovich in view of Brinkmeyer because Obradovich in view of Brinkmeyer suggest the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural activation input signals and Ahn teaches the at least one activation input comprises a voice recognizer for the purpose of providing voice command remote control.

Claims 24–25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Brinkmeyer and Burgess (6,031,465).

All subject matters except the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme in claims 24–25 are discussed above with regards to claim 26. Likewise, Burgess teaches, in the art of remote control system, the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme (col. 4, lines 49–64, rolling-code type synchronization for maintaining proximity communication; col. 5, lines 12–20,

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establishing and maintaining synchronization) for the purpose of providing proximity communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme in the device of Obradovich in view of Brinkmeyer because Obradovich in view of Brinkmeyer suggest the control logic operative to generate control signals for transmitting an appliance activation signal based on receiving transmission of a plural activation input signals and Burgess teaches the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme for the purpose of providing proximity communication. Therefore rejection of the subject matters expressed in claims 24–25 are met by references and associated arguments applied to rejection of claim 26 and to rejection provided in the previous paragraph.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
June 5, 2006



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